

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JAMES NEWTON, II,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
STANDARD CANDY COMPANY, INC.,	)	
	)	8:06CV242
Defendant and	)	
Third-Party Plaintiff,	)	ORDER
	)	
vs.	)	
	)	
JIMBO'S JUMBOS, INC.,	)	
	)	
Third-Party Defendant.	)	

This matter is before the court on plaintiff's Demand for Jury Trial [17], which also includes the demand that trial be held in North Platte. Plaintiff correctly notes that neither the defendant nor the third-party defendant have demanded a jury trial in this case.<sup>1</sup>

**IT IS ORDERED:**

1. Plaintiff's Demand for Jury Trial [17] is noted, and this case will be progressed as a jury case.
2. Plaintiff's request for trial in North Platte is once again denied without prejudice to reassertion, if appropriate, pursuant to NECivR 40.1(b)(3).

**DATED May 10, 2006.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**

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<sup>1</sup>Although the civil cover sheet [2] filed by the defendant indicates that some party requested a jury, "matters appearing on the civil cover sheet have no legal effect in the action." NECivR 3.1. The preferred manner of filing a jury demand appears in NECivR 38.1:

**Notation of "Jury Demand" on Pleading.** If a party demands a jury trial by endorsing it on a pleading, as permitted by Federal Rule of Civil Procedure 38(b), a notation shall be placed on the front page of the pleading, immediately following the title of the pleading, stating "Demand for Jury Trial" or an equivalent statement. This notation will serve as a sufficient demand under Federal Rule of Civil Procedure 38(b). Failure to use this manner of noting the demand will not result in a waiver under Federal Rule of Civil Procedure 38(d). For the rule on demands for jury trials in removed cases, see Nebraska Civil Rule 81.1.